

U.S. DISTRICT COURT W.D.N.Y.

UNITED STATES OF AMERICA CASE NO.⁵

v.

6:17-cr-06032-FPG
21:cv-06607-FPG

JOSEPH W. PEEPIES III

6 PAGE MOTION

Pro Se (BOUNDS vs SMITH)

MOTION TO DISMISS
INDICTMENT IMMEDIATELY
UNDER 28 U.S.C. § 1867(c) et al.

DEFENDANT NOW MOVES THIS COURT TO RULE IMMEDIATELY ON U.S. BILL OF RIGHTS, AND 14th AMENDMENT (DUE PROCESS) CONTROLLING U.S. CONSTITUTIONAL ISSUE. THE IMMEDIATE REDRESS OF DEFECTIVE, LEGALLY NON-EXISTANT TRUE BILL OF INDICTMENT. POSSIBLE PROCESS CRIMES MUST BE ADDRESSED BY THIS COURT. MAY THIS MOTION (PRO SE) BE CONSIDERED TIMELY AS THIS COURT HAS NOT PREVIOUSLY RULED ON SAME OBJECTION. ORAL PLEA FOR MERCY AND JUSTICE AT SENTENCING (SEE TRANSCRIPTS PG 310-12, PG 328-10, PG 331-3, AND PG 493-11.) Rule 6(B2).

YOUR HONOR RESPECTFULLY YOU WERE NOT PRESENT DURING DELIBERATIONS OR POLLING OF THE GRAND JURY (IF THEY HAPPENED), NOR WAS THE A.U.S.A. Melissa M. MARANGOLA. By CONSTITUTIONALLY GUARANTEED CHECK AND BALANCE - IMPARTIAL CITIZENS NOT LIMITED TO, BUT INCLUDING THE ONE WHO MUST; UNDER LAW... ABJURE, SIGN, AND DELIVER TO THE JUDGE A TRUE BILL; THE FOREPERSON OF THE GRAND JURY, WAS NOT THERE AND NO VOTE HAPPENED.

UNDER LAW (F.R.C.P. Rule 6(e)(1)) THERE ARE NO RECORDINGS OF JURORS DELIBERATING OR VOTING BEHIND CLOSED DOOR. WITH THAT BEING SAID! ALL THAT THIS COURT MUST DELIVER IS AN UNBIAS, 14TH AMENDMENT CONSCIENCE MINDSTATE OF EQUAL TREATMENT UNDER THE WRITTEN RULE OF LAW, BASED UPON THE "CERTIFIED RECORD" OF THE COURT. PROVIDED "EQUALLY" UNDER F.R.C.P. Rules OF DISCOVERY (16). THERE IS NO WAY TO LEGALLY GO BACK TO THAT MOMENT OF TIME. FOR THIS COURT TO ALLOW ANY WITHHOLDING OF CONTROLLING U.S. CONSTITUTIONAL EVIDENCE AFTER 5 YEARS IS CRIMINAL AND A DIRECT INTENTIONAL VIOLATIONS OF MY CIVIL RIGHTS. 18 U.S.C. § 242!

LAWFUL ARGUMENTS

- ① THE INDICTMENT OF CERTIFIED RECORD (DOC # 7) IS JUST A 2 pg "ANONYMOUSLY TYPED" PIECE OF PAPER ILLEGALLY (902(1)(A+B)) IDENTIFIED AS A "TRUE BILL".

THAT CERTIFIED INDICTMENT CONTAINS NO NAME OR SIGNATURE OF ATTESTMENT OR AFFIRMATION (PERSONAL ASSURANCE) OF THE POLLING VOTE TO LEGALLY SECURE A TRUE BILL. IN VIOLATION OF F.R.C.P. 6 C(7)(F). ALSO CONTAINING NO SIGNATURE OF A.U.S.A. IN VIOLATION OF F.R.C.P. 7 C(1).

THOSE ABSENT SIGNATURES ARE HALF OF THE LAWFUL REQUIREMENT, UNDER Rules 902-1(A)(B) TO BE A SELF-AUTHENTICATING Federally Acceptable Document OF FEDERAL RECORD. THIS TWO PAGE TYPED PIECE OF PAPER ALSO BARES NO STAMP OR SEAL OF THE COURT. THAT WOULD BE THE OTHER HALF OF LAWFUL REQUIREMENT OF (902-1(A)(B)) ANY FEDERAL DOCUMENT. ANYTHING ELSE IS HEARSAY.

- ② ASSUMING THAT THE FOREPERSON WAS THE TYPER OF DOC#7 AND TYPED THE MONIKER "FOREPERSON" HIMSELF, ABSENT OF NAME AND SIGNATURE. THIS STILL WOULD BE LAWFULLY UNACCEPTABLE, BY (F.R.C.P. Rules 6 C + 7(F)).
- ③ ARE WE ALSO LEFT TO ASSUME THAT A.U.S.A. Milissa M. MARANGOLA TYPED THE CERTIFIED INDICTMENT OF RECORD (DOC#7) HERSELF, A JOB ONLY PERFORMED BY CLERKS IN ALL U.S. CLERK COURT CAPACITY IN AMERICA? THIS LEGALLY MAKES HER TYPED NAME NOT "SELF-AUTHENTICATING" AND NOT VERIFYABLE.

- ④ THE ABSENCE OF THE CLERKS ATTESTMENT OF THE PROCESS ON BEHALF OF THE COURT IS ALMOST AS SHOCKING AS THE ABSENCE OF NAME OR SIGNATURE OF FOREPERSON. WHO TYPED THE DOCUMENT? WHO FILED IT? WHEN WAS IT REALLY FILED? WAS IT INSERTED INTO RECORD LATER AND BACK DATED? THESE ARE UNPRECEDENTED QUESTIONS NO U.S. COURT HAS EVER HAD TO PONDER! WHY, BECAUSE IT'S A CORNER STONE IN BASIC LAWFUL PROCEDURES.
- ⑤ MANNER AND FORMAT OF INDICTMENT WAS, AND IS NOT A REGULAR PRACTICE OF THIS COURT OR ANY U.S. COURT UNDER THE AMERICAN FLAG. DEFENDANT HAS PERSONALLY INSPECTED OVER 500 CERTIFIED INDICTMENTS OF RECORD FROM... MR MILLER (W.D.N.Y. ROCHESTER) CASE NO. 18-MJ-505, DWYANE POSEY (W.D.N.Y. BUFFALO) ETC... ALSO A HOST OF NATIONAL PRISONERS. NEVER, NOT ONE TIME, HAVE I WITNESSED ONE OF THOSE INDICTMENTS WITHOUT; NAME AND SOME SORT OF SIGNATURE OF POLLING GRAND JURY FOREPERSON. 14TH AMEND.
- ⑥ F.R.C.P. RULE 6 (1) SAYS "A KNOWING VIOLATION OF RULE 6 MAY BE PUNISHED AS CONTEMPT OF COURT". WITH ALL DUE RESPECT! NO OTHER REASONS, AS THOSE I HAVE LAWFULLY LAID OUT COULD EVER AMOUNT TO A BETTER PRESENTATION FOR IMMEDIATE DISMISSAL. CONSIDER THE COURT AND U.S. ATTY NOW NOTIFIED TWICE: ONE MOTION.

2017-11-16 (2)

CERTIFICATE OF SERVICE

I DEFENDANT NOW UNDER CONSTITUTIONAL RIGHT TO REDRESS A BILL OF RIGHTS, 14TH AMENDMENT CONTROLLING ISSUE. NOW SUBMIT TO THE CLERK OF THIS COURT BY U.S. CERTIFIED MAIL #7010-3090-0003-3563-5328 A 5 PAGE CERTIFIED PRO SE MOTION UNDER 28 U.S.C. §1867(e) et al., TO BE PLACED UPON THE NEXT AVAILABLE DOCKET.

DEFENDANT HAS ALSO SERVED U.S. ATTORNEY TRINI E. ROSS AT 100 STATE ST SUITE 500 ROCHESTER N.Y. 14614 BY U.S. CERTIFIED MAIL #7010-3090-0003-3563-5304. ELIMINATING THE NEED FOR THIS OFFICE TO SERVE. FOR THE U.S. ATTY HAS BEEN SERVED A PERFECTED EXACT COPY (6 PGS) OF THE ABOVE MENTIONED MOTION.

DATED: November 18TH 2021

Sincerely,

Joe W. Peoples III
Pro Se

Reported U.S. MAIL
THEFT + TAMPERING
See U.S. DIST COURT
CASE 1:21-cv-00459-MAC
Please take precautions

Joe W. Peoples III
Fed #40425-048
U.S.P. Beaumont 26030
Beaumont TX 77720

MR Joe W Peoples III
EL#40425-048

U.S.P. BEAUMONT 26030
BEAUMONT TX 77720



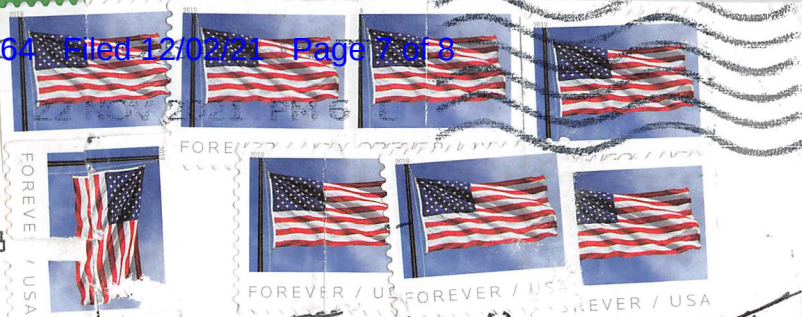
Refused Ability
TO SEAL
(LEGAL
MAIL)
GPS
CERTIFICATION

CERTIFIED MAIL™

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7010 3090 0003 3563 5328



CHAMBERS OF JUDGE FRANK P. GERACI JR
UNITED STATES DISTRICT COURT Judge
U.S. COURTHOUSE c/o U.S. CLERK
100 STATE ST
ROCHESTER NY 14614

SENT 11-18-21
LOPME 28 U.S.C. § 1867(e) MOTION

